

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
E-mail: Michael.Lowry@wilsonelser.com
WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Tel: 702.727.1400/Fax: 702.727.1401
Attorneys for Transco Lines, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHERRIE LYNN LEWIS,

Plaintiff,

vs.

BASHIR H. NONE ABDI, individually;
TRANSCO LINES, INC.; DOES 1-5, inclusive; and
ROE CORPORATIONS, 1-5, inclusive,

Defendants.

Case No. 2:18-cv-408

Transco Lines, Inc's Petition for Removal

Transco Lines, Inc. petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff Sherrie Lynn Lewis alleges she is a resident of Nevada.¹ The complaint alleges the driver, Bashir H. None Abdi, is an Ohio resident.² Transco Lines, Inc. ("Transco") is an Arkansas corporation with its principal place of business in Arkansas.

Plaintiff alleges injury from an accident occurring on December 23, 2016.³ The amount in controversy exceeds \$75,000. She filed her complaint on February 2, 2018.⁴ Plaintiff has thus far asserted \$111,594.79 of past medical damages.⁵

In prior cases in this district, the types of injuries and damages allegations Plaintiff asserts have indicated an amount in controversy exceeding \$75,000. In *Doelamo v. Karl-Heinz* the

¹ ECF No. 1-2 at ¶ 1.

² *Id.* at ¶ 2.

³ *Id.* at ¶¶ 7-9.

⁴ *Id.*

⁵ ECF No. 1-3.

1 defendant argued more than \$75,000 was in dispute because plaintiff alleged “approximately
 2 \$22,000 in past medical damages, and he argues that it is more likely than not that if Plaintiff is
 3 successful on his claims for lost wages, future medical damages for his ‘permanent’ condition(s),
 4 past and future pain and suffering, and attorney’s fees, he will recover more than \$75,000 total in the
 5 case.”⁶ This was sufficient to create subject matter jurisdiction.

6 In the Court’s experience, a personal injury claim including \$22,000 in past medical
 7 bills will normally include a plea to a jury for several times this amount in future
 8 medical bills, particularly where one alleges a permanent condition related to the
 9 injury. The Court can conclude this without even considering pain and suffering, lost
 10 wages, or attorney’s fees. Considering those measures of damages and fees, as well, it
 is nearly certain that Plaintiff in reality seeks more than \$75,000. The Court has little
 doubt that Plaintiff will ask the jury to award him more than \$75,000, whether in this
 Court or in state court.

11 In *Canonico v. Seals* the plaintiff conceded at least \$50,000 was in dispute due to past and
 12 future medical treatment and property damage.⁷ “The remaining question is whether more than
 13 \$25,000 is at stake in the form of pain and suffering, loss of earning capacity, loss of enjoyment of
 14 life, compensatory damages, attorney’s fees, and costs. It almost certainly is.”

15 Transco timely petitioned for removal within 20 days of being served with Plaintiff’s
 16 Summons and Complaint. Attached to this petition are copies of all process, pleadings, and orders
 17 served upon Transco in the state court action.

18 DATED this 6th day of March, 2018.

WILSON ELSEER MOSKOWITZ
 EDELMAN & DICKER LLP

19 /s/ Michael P. Lowry
 20 MICHAEL P. LOWRY, ESQ.
 Nevada Bar No. 10666
 300 South Fourth Street, 11th Floor
 Las Vegas, Nevada 89101-6014
 Tel: 702.727.1400/Fax: 702.727.1401
 Attorneys for Transco Lines, Inc.

27 ⁶ No. 2:14-cv-00339, 2014 U.S. Dist. LEXIS 72664 (D. Nev. May 27, 2014).

28 ⁷ No. 2:13-cv-00316, 2013 U.S. Dist. LEXIS 60047 (D. Nev. Apr. 25, 2013).

CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on March 6, 2018, I served **Transco Lines, Inc's Petition for Removal** via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Leila L. Hale, Esq.
John C. Funk, Esq.
Hale Injury Law
1661 W. Horizon Ridge Pkwy, Suite 200
Henderson, NV 89012
Tel: 702.736.5800/Fax: 702.534.4655
Email: lhale@haleinjurylaw.com
Email: funk@haleinjurylaw.com
Attorneys for Plaintiff

BY: /s/ Michael P. Lowry
An Employee of
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP